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8 *Christopher Bates and Jeffrey O'Brien*

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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13

14 **Jeff Macy, as an individual, Jerusha**
15 **Macy, as an individual, Josiah Macy,**
16 **as an individual, and Jodiah Macy, as**
an individual,

17 Plaintiffs,

18 v.

19 **California Highway Patrol, a State**
20 **Agency; Officer Christopher Bates;**
21 **Supervisor Officer Sergeant Jeffrey**
O'Brien, and Does 1 - 10, inclusive,

22 Defendants.

5:23-CV-02245-RGK-BFM

DECLARATION OF JULIO A.
HERNANDEZ

Judge: Hon. Brianna Fuller Mircheff
Trial Date: TBA
Action Filed: 5/06/2024

23 I, JULIO A. HERNANDEZ, declare,

24 1. I am, and at all times as described herein have been, a Deputy Attorney
25 General with the California Department of Justice, Office of the Attorney General. I
26 make this declaration of my own personal knowledge. If called as a witness, I could
27 and would competently testify as to the truth of the matters set forth in this
28 declaration.

2. On Sunday November 3, 2024, our office was served by email a copy of plaintiff's discovery motion. On or about November 4, 2024, I reviewed plaintiff's served discovery motion, in which plaintiff indicated that he had received a cracked CD-ROM of Sergeant O'Brien's Wireless Mobile Video Audio Recording System (WMVARS) dashcam video. I directed Legal Secretary Donna Kulczyk to serve another copy to plaintiff by overnight mail. It was not Defendants' intention to serve a cracked CD-ROM with discovery responses.

3. The Mobile Video Audio Recording System (MVARs) video of Officer Bates's dashcam has audio separated into different audio channels. The voice audio recording is available on the left channel. I used the open-source software VLC Media to isolate the left audio channel. I communicated that I used VLC Media to isolate the audio to plaintiff during a meet and confer discussion on or about October 23, 2024. Moreover, the MVARs video includes blurred faces and vehicle license plates in order to protect privacy.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 28th day of February, 2025, at Sacramento, California.

/s/ *Julio A. Hernandez*

Julio A. Hernandez
Declarant

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DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL

Case Name: *Macy, Jeff, et al. v. California Highway Patrol, et al.*

Case No.: **5:23-CV-02245-RGK-BFM**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **February 28, 2025**, I served the attached **DECLARATION OF JULIO A. HERNANDEZ** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jeff Macy
P.O. Box #103
Twin Peaks, CA 92391
E-mail Address: macybuilders@yahoo.com

In Pro Per

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **February 28, 2025**, at Sacramento, California.

Donna Kulczyk

Declarant

/s/ Donna Kulczyk

Signature